

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Caroline Surman	Team: Squad #5	CCRB Case #: 201608854	<input type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input checked="" type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Friday, 10/21/2016 8:30 AM	Location of Incident: 3215 Third Avenue	Precinct: 42	18 Mo. SOL 4/21/2018	EO SOL 4/21/2018	
Date/Time CV Reported Fri, 10/21/2016 11:23 AM	CV Reported At: CCRB	How CV Reported: Phone	Date/Time Received at CCRB Fri, 10/21/2016 11:23 AM		

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. POM Alldon Verdejo	14642	951387	PSA 7
2. SGT Kit Yung	5493	942737	PSA 7

Officer(s)	Allegation	Investigator Recommendation
A.POM Alldon Verdejo	Discourtesy: Police Officer Alldon Verdejo spoke discourteously to § 87(2)(b)	
B.POM Alldon Verdejo	Abuse: Police Officer Alldon Verdejo threatened to issue summons to § 87(2)(b)	
C.SGT Kit Yung	Discourtesy: Sergeant Kit Yung spoke discourteously to § 87(2)(b)	
D.POM Alldon Verdejo	Off. Language: Police Officer Alldon Verdejo made remarks to § 87(2)(b) based upon her physical disability.	

Case Summary

§ 87(2)(b) filed the following complaint with the CCRB on October 21, 2016 via telephone.

On October 21, 2016 at approximately 8:30AM, § 87(2)(b) was with her service dog “§ 87(2)(b)” at a community lot located at 3215 Third Avenue in the Bronx. § 87(2)(b) was off leash and attempting to defecate. Police Officer Alldon Verdejo and Sergeant Kit Yung approached § 87(2)(b) and Sgt. Yung asked § 87(2)(b) why her dog was off leash. § 87(2)(b) stated dogs were allowed off leash between certain hours in New York City parks. She also said she was legally blind and § 87(2)(b) was her service dog. § 87(2)(b) provided the officers her state ID, her disability ID, § 87(2)(b) service dog medallion, and a novelty ID § 87(2)(b) purchased for § 87(2)(b). PO Verdejo replied “Bullshit,” and asked “Are you bullshitting me?” (**Allegation A**) and threatened to issue § 87(2)(b) a summons for lying (**Allegation B**). § 87(2)(b) then defecated and § 87(2)(b) cleaned up the excrement. Sgt. Yung asked § 87(2)(b) how she was able to pick up the excrement as a blind woman and said “You are bullshitting,” (**Allegation C**) and PO Verdejo stated § 87(2)(b) was “fucking bullshitting” (**within Allegation A**). The officers then returned to their police vehicle with § 87(2)(b)s IDs. § 87(2)(b) knocked on the driver’s side window and Sgt. Yung rolled down the window. § 87(2)(b) then heard PO Verdejo humming “That Girl” by Stevie Wonder, which § 87(2)(b) believed to be offensive due to her physical disability (**Allegation D**). PO Verdejo then issued § 87(2)(b) summons #§ 87(2)(b) for an unleashed dog.

There is no video evidence available for this case.

Mediation, Civil and Criminal Histories

- § 87(2)(b) rejected mediation because she does not want to see the officers again.
- As of December 1, 2016, § 87(2)(b) had not filed a Notice of Claims with the City of New York.
- § 87(2)(b)

Civilian and Officer CCRB Histories

- This is § 87(2)(b)s first complaint with the CCRB (Board Review 01).
- PO Verdejo has been a member of service for 5 years and has 4 allegations against him across 4 cases. None of the allegations have been substantiated. § 87(2)(g)
- Sgt. Yung has been a member of service for 10 years and has 6 allegations against him across 3 cases. None of the allegations have been substantiated. § 87(2)(g)

Potential Issues

- As of December 5, 2016, Sgt. Yung’s memo book has not been received at the CCRB. It will be added to the case file upon receipt.

Findings and Recommendations

Allegation A – Discourtesy: Police Officer Alldon Verdejo spoke discourteously to § 87(2)(b)

Allegation C – Discourtesy: Sergeant Kit Yung spoke discourteously to § 87(2)(b)

On October 21, 2016 at approximately 8:15AM, § 87(2)(b) was with her service dog “§ 87(2)(b)” at 3215 Third Avenue in the Bronx. At this location is a community lot with a grassy area, benches, and parking spaces. An unknown male individual approached § 87(2)(b) and appeared angry about an altercation that had occurred between § 87(2)(b) and his dog on October 20, 2016. The male individual stated he was going to call the police about § 87(2)(b). She did not see him make any telephone calls and he left the location. At approximately 8:30AM, a marked police vehicle pulled up and parked next to the lot and PO Verdejo and Sgt. Yung exited the car. The officers approached § 87(2)(b) as § 87(2)(b) was running unleashed in the grassy area. Sgt. Yung asked why § 87(2)(b) was unleashed. § 87(2)(b) explained she was within the window of time dogs could be off their leashes in New York City. § 87(2)(b) stated § 87(2)(b) was a service dog. PO Verdejo laughed and asked what her disability was. § 87(2)(b) responded she was legally blind and alleged PO Verdejo responded, “Bullshit.” § 87(2)(b) stated she was blind in her left eye and PO Verdejo allegedly asked, “Are you bullshitting me?” Later in the conversation, § 87(2)(b) bagged § 87(2)(b) excrement and Sgt. Yung asked § 87(2)(b) how she could pick up excrement as a blind woman and allegedly stated, “You are bullshitting me.” PO Verdejo allegedly stated, “You are fucking bullshitting me...so give me your damn ID.”

During his CCRB interview on November 22, 2016, PO Verdejo confirmed he was present for the incident. PO Verdejo was assigned as the sergeant operator and had stopped with Sgt. Yung at the intersection of Brooke Avenue and 152nd Street in the Bronx to buy food. An unidentified male approached the officers and stated a woman at a nearby courtyard had an unleashed dog, who was barking at other people. PO Verdejo and Sgt. Yung returned to their marked police vehicle and drove to the courtyard located at 3215 3rd Avenue and approached § 87(2)(b). PO Verdejo explained to § 87(2)(b) that a man had complained about an unleashed dog and asked if the unleashed dog belonged to her. § 87(2)(b) confirmed the dog was hers, was a service dog, and could be unleashed. § 87(2)(b) told the officers that dogs did not have to be leashed between 6AM and 9AM in New York City parks. PO Verdejo stated the courtyard was not an official city park. § 87(2)(b) told PO Verdejo to look up the statutes on his phone. PO Verdejo used his smartphone to look up the New York Penal Code and did not find any relevant statutes. § 87(2)(b) informed the officers she was blind. PO Verdejo asked if she had proof of her disability. In his CCRB interview PO Verdejo denied replying “bullshit.” PO Verdejo also denied § 87(2)(b)'s allegation that he asked § 87(2)(b) “are you bullshitting me?” or said, “You are fucking bullshitting me, so give me your damn ID.”

During his CCRB interview on December 5, 2016, Sgt. Yung confirmed he was present for the incident and corroborated PO Verdejo's testimony. Sgt. Yung stated they had been approached by an unidentified male, who complained about an unleashed dog in the community lot. Sgt. Yung stated he and his partner walked to the lot, observed an unleashed dog, and approached § 87(2)(b). Sgt. Yung asked § 87(2)(b) if the dog was hers and § 87(2)(b) replied it was her dog. Sgt. Yung told § 87(2)(b) her dog needed to be leashed. § 87(2)(b) informed the officers she was blind. In his CCRB interview, Sgt. Yung stated neither he nor his partner replied “bullshit” or “are you bullshitting me?” Sgt. Yung denied § 87(2)(b)'s allegation that he stated “You are bullshitting me,” after § 87(2)(b) bagged § 87(2)(b) excrement. Sgt. Yung stated neither he nor PO Verdejo used profanity during the incident.

§ 87(2)(b), § 87(2)(g)

§ 87(2)(g)

Allegation B – Abuse of Authority: Police Officer Alldon Verdejo threatened to issue a summons to § 87(2)(b)

§ 87(2)(b) stated that when she informed PO Verdejo he was blind, he ask if she was “bullshitting him,” and stated “because if you are, I am going to give you a ticket because you are lying.” § 87(2)(b) stated in her CCRB interview that she was suing the MTA concerning the use of her service dog and had become a local celebrity as a result. § 87(2)(b) believed the officers had recognized her and wanted to give her a summons to soil her reputation before the lawsuit.

PO Verdejo denied threatening to issue § 87(2)(b) a summons for lying. He stated both himself and Sgt. Yung informed § 87(2)(b) that they were only trying to give her a warning. PO Verdejo said § 87(2)(b) informed the officers of her lawsuit during the incident. PO Verdejo responded to § 87(2)(b) that her suit had nothing to do with their behavior. PO Verdejo did not know of the lawsuit before the incident. § 87(2)(b) replied by asking the officers to issue her a summons so she could sue the NYPD.

In his CCRB interview, Sgt. Yung stated PO Verdejo never threatened to issue § 87(2)(b) a summons. Sgt. Yung stated both he and PO Verdejo told § 87(2)(b) they were only issuing her a warning and not a summons. Sgt. Yung stated § 87(2)(b) requested a summons, stating she was suing the § 87(2)(b) and would also sue Sgt. Yung.

§ 87(2)(b), § 87(2)(g)

Allegation D – Offensive Language: Police Officer Alldon Verdejo made remarks to § 87(2)(b) based upon her physical disability.

§ 87(2)(b) alleged the officers took her IDs and returned to their marked police vehicle. § 87(2)(b) followed the officers and stood between four and six inches away from the driver’s side door. Sgt. Yung sat in the driver’s seat and PO Verdejo was in the passenger’s seat. After about three minutes, § 87(2)(b) knocked on the driver’s side window. Approximately 90 seconds later, Sgt. Yung rolled down his window. § 87(2)(b) then heard PO Verdejo hum “That Girl,” by Stevie Wonder. § 87(2)(b) asked PO Verdejo if he was mocking her disability.

PO Verdejo denied humming a Stevie Wonder song while seated in the police vehicle. He stated he never made discriminatory comments to § 87(2)(b) about her physical disability.

Sgt. Yung stated § 87(2)(b) followed the officers to their car and did knock on the car window. Sgt. Yung stated neither he nor his partner ever hummed any Stevie Wonder song during the incident.

§ 87(2)(b), § 87(2)(g)

Squad:

Investigator:	_____	_____	_____
	Signature	Print	Date
Squad Leader:	_____	_____	_____
	Title/Signature	Print	Date
Reviewer:	_____	_____	_____
	Title/Signature	Print	Date